

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

Claims 11, 19-40 and 49-53 are currently being cancelled.

Claims 1 and 10 are currently being amended.

Claims 54-56 are currently being added.

This amendment and reply adds, cancels and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After adding, canceling and amending the claims as set forth above, claims 1-10, 12-18, 41-48 and 54-56 are now pending in this application, whereby claims 6-9, 14-18, and 41-48 are withdrawn from consideration.

Claim Rejections – Prior Art:

In the final Office Action, claims 10, 49, 51 and 52 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2002/0032754 to Longston et al.; and claims 1-5, 11-13, 19, 20 and 22-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Longston et al. in view of Windows NT Server. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

Presently pending independent claim 1 now recites:

A networkable resource server adapted in use to serve out resources to client devices of a network, the server having delivery context aware activity software which when run on a processor of the server causes a report to be produced containing data related to delivery context aware requests, received by the server, for resources,

wherein the report includes information concerning characteristics of the server, network characteristics linking the server and the client devices, characteristics of the client devices, and characteristics of any intermediary devices in a network path between the client devices and the server,

wherein the report is sent out periodically to a master monitoring processor, to thereby notify the master monitoring processor of context delivery related information that has changed since the master monitoring processor was last updated.

Support for the underlined features added to claim 1 may be found, for example, on page 24, lines 23-29 of the specification. The sending out of a report periodically to a master monitoring processor, to thereby notify the master monitoring processor of context delivery related information that has changed since the master monitoring processor was last updated, are features not disclosed, taught or suggested by Longston et al. (and whereby Windows NT Server, which was cited against other claims, does not rectify these deficiencies of Longson et al.).

Accordingly, presently pending independent claim 1 is patentable over the cited art of record.

Presently pending independent claim 10 now recites:

*A method of managing a resource server on a network comprising:
assessing delivery context aware activity involving said server;
responsive to said assessment, modifying a cache reference profile memory to thereby
change data stored in the cache reference profile memory that is directly accessible by the
server; and
responsive to said assessment, modifying a size of the cache reference profile memory
to thereby change an amount of data capable of being stored therein.*

Independent claim 10 now includes the features of its dependent claims 11 and 53, both now canceled. In its rejection of claim 53, the Office Action refers to paragraph 0052 of Longston. However, paragraph 0052 of Logston merely describes that an amount of data to be stored in a memory is changed. With all due respect, the changing of an amount of data to be stored in a memory is not the same as changing an actual size of a memory, since Longston appears to not be concerned with changing the size of his static memory. See the benefits of changing a size of a cache memory, as described on page 36 of the present specification, whereby such benefits are not attainable by merely changing an amount of data to store in a static memory, as described by Longston.

Accordingly, presently pending independent claim 10 is patentable over the cited art of record (whereby Windows NT Server, cited against other claims, does not rectify these deficiencies of Longston).

New Claims:

New Claims 54-56 have been added to recite additional features of the present invention that are believed to provide an additional basis of patentability for those claims, beyond the reasons given above for their respective base claim.

Support for the features in new claim 54 may be found, for example, on page 27, lines 1-14 of the specification.

Support for the features in new claims 55 and 56 may be found, for example, on page 39, lines 19-27 of the specification.

Conclusion:

Since all of the issues raised in the final Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date January 13, 2009

By Phillip J. Articola

HEWLETT-PACKARD COMPANY
Customer No.: 22879
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

William T. Ellis
Registration No. 26,874

Phillip J. Articola
Registration No. 38,819